LEGISLATIVE BUSINESS

THE TRAVANCORE HINDU WIDOWS' RE-MARRIAGE BILL.

Mr. Kottur Kunjukrishna Pillai: Sir, I move that the Travancore Hindu Widows' Re-marriage Bill be taken into consideration.

Mr. K. R. Elankath: I second it.

President: Moved and seconded that the Travancore Hindu Widows' Re-marriage Bill be taken into consideration.

Mr. M. S. Anirudhan: Sir, I oppose the question in issue. I am not opposed to the re-marriage of widows. As the Bill now presented contains certain provisions which would be applicable to all the Hindu widows I have to point out one point. I have no complaint if those sections are applied to Hindu widows for whom the law applies. Section 5 of the Bill reads thus :

> "All rights and interests which any widow may have in her deceased husband's property by way of maintenance, or by inheritance to her husband or to his lineal successors, or by virtue of any will or testamentary disposition conferring upon her, without express permission to remarry, only a limited interest in such property, with no power of alienating the same, shall upon her remarriage cease and determine as if she had then died ; and the next heirs of her deceased husband, or other persons entitled to the property on her death, shall thereupon succeed to the same."

By this Section, if a property is bequeathed to an Ezhava woman it would not take effect. Therefore I submit, the Bill as it now stands cannot be supported. The Preample reads as follows:—

> "..... .....This Regulation may be called the Travancore Hindu Widows' Remarriage Regulation.

The Title reads as follows :

"It shall extend to the whole of Travancore" that means it extends to the whole Hindu community. Not only widows to whom Hindu law is applicable but also the whole Hindu community is affected by it. Then the Title further says thus :

> "The removal of all legal obstacles to the marriage of Hindu Widows in the State will tend to the promotion of good morals and to the public welfare and whereas it is just to hold the offspring of such marriages as legitimate."

Therefore, the scope of the Bill must be restricted.

President: The honourable member has not given notice of any amendment.

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Mr. M. Govindan (*Nominated*): Sir, I support the principle of the Bill. Mr. Anirudhan seems to have some misapprehension that the bill, as it is brought to the House, includes all Hindus even classes besides those governed by the Hindu Law of Succession. In fact the bill is apparently intended only to apply to widows of all classes in respect of whom there are legal obstacles to re-marriage. Is there any legal obstacle to the remarriage of Ezhava and Nair widows? There is none now. I would like to make one suggestion, that this House can make such amendments as are necessary to make the scope of the Bill more clear if needed. It is true that section defining the scope of the bill requires a change. It reads thus:

> "This Regulation shall apply to all marriages of Hindu widows contracted before the commencement of, and subsisting on the date of, this Regulation, or contracted on or after the commencement of this Regulation whether such marriages be allowed by custom or not."

The expression Hindu widows is not qualified by the further expression "governed by the Hindu Law of Succession",

President: Experienced lawyer like the honourable member has not sent in notice of any amendment.

Mr. M. Govindan: No, Sir. Not that I consider such amendments very necessary.

I am saying that all ambiguity and apprehension could have been avoided if such a provision had been made restricting the scope of the Bill. But that difficulty, to a certain extent, is removed by the title. The object of the Bill is said to be —

> "the removal of all legal obstables to the marriage of Hindu widows in the State will tend to the promotion of good morals and to the public welfare and whereas it is just to hold the offspring of such marriages as legitimate."

If the acuteness of the lawyer, as is some times, seen was not applied to the construction of the term 'legal obstacles' so as to create difficulties, then the scope is clear enough for practical purposes and it may require no amendment and that is why I did not send up any amendment. I support the principle of the Bill.

Mr. Kayalam Paramesvaran Pillai: Sir, at this stage we are concerned only with the principle of the Bill as passed by the Sri Mulam Assembly. There can be no doubt that the principle is that all legal obstacles to the marriage of Hindu widows in this State should be removed. By "Hindu widows" we do not mean by a literal connotation, widows who are Hindu in religion but we mean widows who are subject to what is well known as Hindu Law, for in the case of these widows alone there is a legal obstacle

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[Mr. Kayalam Parameswaran Pillai.]

to their marriage. The preamble itself indicates it by the expression "the removal of all *legal obstacles* to the marriage of Hindu widows". To me it appears that there can be a little doubt that the principle of this Bill is to legalise the marriage of such widows and this principle will, I dare say, be acceptable to all. If Mr. Govidan or Mr. Anirudhan wants any ambiguity or apprehensions in this respect to be removed it can be done by bringing in proper amendments. Now we are concerned with only the *principle* of the Bill, a principle that has been accepted by another Chamber.

President : The motion before the House is that the Travancore Hindu Widows' remarriage Bill be taken into consideration.

The motion was put to vote and carried.

The principle of the Bill was accepted by the House.

SECOND READING OF THE TRAVANCORE HINDU WIDOWS REMARRIAGE BILL.

Clause 1.

The question that Clause 1 do form part of the Bill was put to vote and carried.

The Clause was added to the Bill.

Clause 2.

The question that Clause 2 do form part of the Bill was put to vote and carried.

The Clause was added to the Bill.

Clause 3.

The question that Clause 3 do form part of the Bill was put to vote and carried.

The Clause was added to the Bill.

Clause 4.

Mr. G. Narayana Aiyar : (*Parur, Kunnatnad and Muvattupuzha cum Devicolam*) : There are two amendments to clause 4. The first amendment is "in line 6 ; after words "sixteenth year" add the following "or whose marriage has been consummated" and after the words "shall be" add "presumed until the contrary is proved and". The object of the Bill, as could be seen from the preamble is, "the removal of all legal obstacles to the marriage of Hindu widows in the State and *for the promotion of good morals* and for the public welfare". That being the case, all facilities for the marriage of widows have to be allowed unless it is proved that such marriage is unjustifiable. Now the climatic conditions in Travancore are such that, girls attain puberty at the age 12 and in

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